

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
Nashville Division**

L.W., by and through her parents and next friends, Samantha Williams and Brian Williams, et al.,

Plaintiffs,

and

UNITED STATES OF AMERICA,

Plaintiff-Intervenor

v.

JONATHAN SKRMETTI, in his official capacity as the Tennessee Attorney General and Reporter, et al.,

Defendants.

Civil No. 3:23-cv-00376

Judge Richardson

Judge Newbern

**PLAINTIFFS' MOTION TO FURTHER EXCEED PAGE LIMIT IN THEIR REPLY IN
SUPPORT OF THEIR MOTION FOR PRELIMINARY INJUNCTION**

Plaintiffs respectfully move for additional leave to exceed the five-page limit, for a total of twelve pages, in their reply in support of the Preliminary Injunction Motion. This request is for good cause, and Plaintiffs state as follows in support of the requests:

On May 22, 2023, Plaintiffs filed their *Motion to Extend Time to File and Exceed Page Limit in Their Reply in Support of Their Motion for Preliminary Injunction* [ECF No. 116], which the Court granted on May 23, 2023, extending Plaintiffs' time to file their response to June 1, 2023, and permitting Plaintiffs to file a reply brief of up to ten pages [ECF No. 118].

Given the large number of discrete issues that must be addressed in reply—including the Minor Plaintiffs' standing, Provider Plaintiff's standing, irreparable harm, the appropriate level of review to apply to Plaintiffs' Equal Protection claims, rebutting Defendants' experts' declarations,

the sufficiency of Plaintiffs' parental autonomy claims, the balance of the preliminary injunction factors, and the need for a facial injunction—Plaintiffs respectfully move the Court to allow them to include two additional pages in their reply brief, for a total of twelve pages (only one page more than Defendants requested for their reply in support of their motion to reset briefing schedule and consolidate the preliminary injunction hearing with a trial [ECF No. 83] to respond to Plaintiffs' nine-page opposition [ECF No. 79]).

Counsel for Plaintiffs has conferred with counsel for Defendants and counsel for Plaintiff-Intervenor; Defendants have advised that they oppose this motion; Plaintiff-Intervenor has advised that it does not oppose.

Accordingly, Plaintiffs respectfully submit that their motion to file two additional pages, for a total of twelve pages, in their reply in support of the Preliminary Injunction Motion should be GRANTED.

Dated: May 30, 2023

s/ Stella Yarbrough

Stella Yarbrough, BPR No. 033637
Lucas Cameron-Vaughn, BPR No. 036284
Jeff Preptit, BPR No. 038451
ACLU Foundation of Tennessee
P.O. Box 120160
Nashville, TN 37212
Tel.: 615-320-7142
syarbrough@aclu-tn.org
lucas@aclu-tn.org
jpreptit@aclu-tn.org
Attorneys for the Plaintiffs

Joshua A. Block*
Chase Strangio*
American Civil Liberties Union Foundation
125 Broad Street, Floor 18
New York, NY 10004
Tel.: 212-549-2593
jblock@aclu.org
cstrangio@aclu.org
Attorneys for the Plaintiffs

Sruti J. Swaminathan*
Lambda Legal Defense and Education Fund, Inc.
120 Wall Street, 19th Floor
New York, NY 10005
Tel.: 212-809-8585
sswaminathan@lambdalegal.org
Attorney for the Plaintiffs

Tara Borelli*
Lambda Legal Defense and Education Fund, Inc.
1 West Court Square, Ste. 105
Decatur, GA 30030
Tel.: 404-897-1880
tborelli@lambdalegal.org
Attorney for the Plaintiffs

**admitted pro hac vice*

Respectfully submitted,

Joseph L. Sorkin*
Dean L. Chapman, Jr.*
Kristen W. Chin*
Theodore J. Salwen*
Richard J. D'Amato*
Akin Gump Strauss Hauer & Feld LLP
One Bryant Park
New York, NY 10036
Tel.: 212-872-1000
jsorkin@akingump.com
dchapman@akingump.com
kristen.chin@akingump.com
jsalwen@akingump.com
rdamato@akingump.com
Attorneys for the Plaintiffs

Elizabeth D. Scott*
Akin Gump Strauss Hauer & Feld LLP
2300 N. Field Street, Suite 1800
Dallas, TX 75201
Tel.: 214-969-2800
edscott@akingump.com
Attorney for the Plaintiffs

Christopher J. Gessner*
David Bethea*
Akin Gump Strauss Hauer & Feld LLP
Robert S. Strauss Tower
2001 K Street N.W.
Washington, DC 20006
Tel.: 202-887-4000
cgessner@akingump.com
dbethea@akingump.com
Attorneys for the Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that on May 30, 2023, the undersigned filed the foregoing Plaintiffs' Motion to Further Exceed Page Limit in Their Reply in Support of Their Motion for Preliminary Injunction via this Court's electronic filing system, which sent notice of such filing to the following counsel of record:

Steven J. Griffin Clark L. Hildabrand Trenton Meriwether Ryan N. Henry Brooke A. Huppenthal Office of the Tennessee Attorney General P.O. Box 20207 Nashville, Tennessee 3720 (615) 741-959 steven.griffin@ag.tn.gov clark.hildabrand@ag.tn.gov trenton.meriwether@ag.tn.gov ryan.henry@ag.tn.gov brooke.huppenthal@ag.tn.gov	Adam K. Mortara Lawfair LLC 40 Burton Hills Blvd., Suite 200 Nashville, TN 37215 (773) 750-7154 mortara@lawfairllc.com
	Cameron T. Norris (BPR# 33467) Consovoy McCarthy PLLC 1600 Wilson Blvd., Suite 700 Arlington, VA 22209 (703) 243-9423 cam@consovoymccarthy.com
Coty Montag Tamica Daniel Gloria Yi Alyssa C. Lareau United States Department of Justice Federal Coordination and Compliance Section 950 Pennsylvania Avenue NW – 4CON Washington, DC 20530 (202) 305-2994 Coty.Montag@usdoj.gov Tamica.Daniel@usdoj.gov Gloria.Yi@usdoj.gov Alyssa.Lareau@usdoj.gov	Ellen Bowden McIntyre Rascoe S. Dean U.S. Attorney's Office (Nashville) 719 Church Street Suite 3300 Nashville, TN 37203 (615) 736-2125 (615) 401-6626 (fax) ellen.bowden2@usdoj.gov rascoe.dean@usdoj.gov

s/ Stella Yarbrough

Stella Yarbrough, BPR No. 033637
ACLU Foundation of Tennessee
P.O. Box 120160
Nashville, TN 37212
Tel.: 615-320-7142
syarbrough@aclu-tn.org